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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,581	03/15/2004	John P. Godwin	PD-200248A	1666

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EXAMINER

ELALLAM, AHMED

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,581

Applicant(s)

GODWIN ET AL.

Examiner

AHMED ELALLAM

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 13 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is responsive to the Amendment filed on 08/29/2006. The Amendment has been entered.

Claims 1-13, and 34 are pending.

Claim Objections

1. Claims 4 and 34 are objected to because of the following informalities:

In claim 4, the phrase "said graphic" lack clear antecedent basis.

In claim 34 reference is made to "broadcast signal". It is not clear if it is the same broadcast signal recited in parent claim 13 or a different broadcast signal.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Thibadeau et al, US (5,432,542). Hereinafter referred to as Thibadeau.

Regarding claim 13, with reference to figures 6 and 7, Thibadeau discloses a receiving device for a broadcasting system comprising:

receiver including a memory (Figure 6), the memory for storing a location selection code, (claimed a geographic identifier memory storing a receiver geographic identifier), see column 15, lines 29-50; further Thibadeau discloses storing the

broadcast received message for later retrieval, and directing the message to a plurality of externally connected devices, see column 14, lines 23-29; a processor (figure 6) for processing selected ones of the information units as a function of overlap, see column 15, lines 29-50, wherein the processing includes displaying the message on the screen, as a message-over-video, see column 14, lines 18-30 (Examiner interpreted storing the message for later retrieval of Thibadeau to be the claimed overlay memory for storing an overlay, because in addition to the memory for storing a location selection code, an additional memory is required for the later retrieval, and the processor that provides message-over-video displaying as being the claimed controller for overlaying said overlay signal onto said broadcast signal in response to said geographic identifier)

a receiver circuit is inherent to the receiver of Thibadeau, because that is needed for receiving the broadcast segments.

Thibadeau further discloses having a local map at the receiver, see column 13, lines 50-66. (Inherently the map is used in the overlaying, because the map is used in receiving the proper segments).

Regarding claim 34, with reference to figures 6 and 7, Thibadeau discloses a broadcasted messages (claimed broadcast signal comprises output data streams), and a receiver for receiving the broadcast messages, and storing the broadcast received message for later retrieval, and directing the message to a plurality of externally connected devices, see column 14, lines 23-29. Examiner interpreted the direction of the message by the user as the claimed local map selectively associates broadcast

resources to the output data streams, because such direction by the user requires the channel mapping of the broadcast messages to be viewed.

Allowable Subject Matter

3. Claims 1-12 are allowed.

Response to Arguments

4. Applicant's arguments filed 08/29/2006 with regard to claim 13 have been fully considered but they are not persuasive.

Applicants argue that Thibadeau doesn't disclose "*local map for identifying said broadcast signal, said controller overlying to said local map*" relying on the passage cited by the Examiner (Thibadeau column 13, lines 50-66). I.e:

While it is preferred to transmit a full definition of the respective region with its corresponding message, for complex regions, particularly those designating broad areas such as political units (cities, counties, states, legislative districts, informal districts such as subdivision or the like), it may be more effective to transmit the name, or a suitably encoded representative of the name, to the receiver. The mapping of the names, or their encoded representation, to the actual regions, can be broadcast separately and stored in the set top unit. An example would be to transmit a county name and the region defining it, whereupon later messages intended for county residents transmit only the county name as a shorthand location designation. For this to be successful, repetitive

transmission of the mapping and their shorthand codes are needed to guarantee that all set top units contain the mapping.

Applicants argue with regard to the passage above that: *"mapping refers to a mapping of the name of a location to an encoded representation of the name. It does not disclose a map for identifying the broadcast signal"*. Emphasis added.

Examiner respectfully disagrees; from the passage above, it is clear that the encoded representation being stored at the set top and later used by the shorthand location designation that are transmitted mapping (part of local map). These features along the displaying the message on the screen, as a message-over-video, (see column 14, lines 18-30) require that a Local map is necessary for providing both the message and video, since both video and message are simultaneously displayed. Moreover, the processor (figure 6) (claimed controller) for processing selected ones of the information units as a function of overlap includes displaying the message on the screen, as a message-over-video, see column 15, lines 29-50, and column 14, lines 18-30. Such feature is possible only when the mapping at the receiver side identifies both the video and message. Therefore, Thibadeau meets the claimed "local map for identifying said broadcast signal, said controller overlying to said local map".

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure See form PTO 892.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

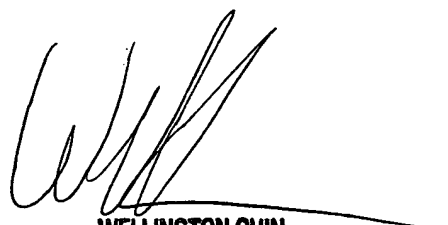
Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571) 272-3097. The examiner can normally be reached on 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, To Doris can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.ELALLAM
Examiner
Art Unit 2616
11/12/06



WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER